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December 3, 2021

The Honorable Katherine P. Failla
United States District Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: United States v. Gregory Ochiagha 21 Cr. 472 (KPF)

Dear Judge Failla:

On behalf of Mr. Ochiagha, I write to respectfully request that the Court amend the bail conditions for Mr. Ochiagha to permit him to travel to Lagos, Nigeria on business for two weeks beginning on December 15, 2021 with a return date of December 29, 2021.

On June 2, 2021 Mr. Ochiagha's was released on an unsecured bond of \$100,000.00. The bond was co-signed by Mr. Ochiagha's wife and brother, both citizens and residents of New York. Mr. Ochiagha has been fully compliant with the terms of the release bond.

For the past seven years, Mr. Ochiagha has made a living by purchasing dry goods primarily from Costco and other large retailers, shipping them to Nigeria, where they are off loaded from containers and distributed to local supermarkets. Mr. Ochiagha then travels to Lagos to open the container and distributes the goods to his clients. He currently has a container of goods at a port in Lagos which he wishes to offload and distribute to his customers. Mr. Ochiagha has made this journey routinely prior to the commencement of this case.

Mr. Ochiagha is not a risk of flight, he owns a home in the Bronx, has four children who are United States citizens in school in this country. His daughter is studying for her Master's in public health at New York University, his son is a senior at Harvard University, another daughter is a sophomore at Ithaca College, and another son is a High School student locally. Mr. Ochiagha's wife is a social worker employed by the New York City Human Resources Administration. If the Court wishes further security, Mr. Ochiagha and his wife would be willing to post his house in the Bronx as further security on the release bond. Should the Court grant this application, Mr. Ochiagha would need to have his passport returned to him temporarily, to effectuate the travel.

The Government does not consent to this application. The pre-trial officer notes that their office takes no position on international travel.

Thank you for your consideration of this request.

Respectfully submitted,

 /s/
Donald duBoulay

cc: Micah F. Ferguson, AUSA
Matthew J. King, AUSA
Francesca Tessier-Miller, PTO

Application DENIED. Due to the nature of the offense of which Mr. Ochiagha has been charged, the Court is not convinced that the proposed modification of Mr. Ochiagha's bail would reasonably assure his appearance as required in this case. See 18 U.S.C. § 3142(c)(1)(B).

The Clerk of Court is directed to terminate the pending motion at docket entry 53.

Date: December 7, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE